

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-24260 - APPLICANT/OWNER: SALVATORE AND ANTOINETTE CASTROGIOVANNI

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend DENIAL.

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The project is a Variance request to allow for a 20 foot front yard setback where 30 feet is required, a 30 foot rear yard setback where 35 feet is required, and a seven-foot side yard setback where 10 feet is the minimum required at 1721 Charles Lam Court.

No physical site constraints exist on the subject parcel that precludes the proposal from conforming to the required Title 19.08 R-E (Residence Estates) Zone setbacks. The proposal is considered too intense for the subject site and the hardship is unsubstantiated. Staff recommendation is denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/23/98	The City Council approved a request to Amend a portion of the Southwest Sector of the General Plan on properties bounded by Holmby Avenue Drainage Alignment, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission and Planning staff each recommended approval.
10/11/07	The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #44/ja).
<i>Related Building Permits/Business Licenses</i>	
No building permits or business license are assigned to this address.	
<i>Pre-Application Meeting</i>	
08/16/07	A Pre-Application meeting was held where Planning staff advised the applicant of the Variance requirements for setbacks.
<i>Neighborhood Meeting</i>	
NA	A Neighborhood Meeting is not required for this type of request nor was one held.
<i>Field Check</i>	
09/19/07	A site visit was conducted and the project parcel is a vacant direct lot with an approximately six to eight foot high block wall along the north, west, and south property lines.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.47 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant – dirt lot	DR: Desert Rural Density Residential	R-E (Residence Estates)
North	Single-family residential	DR: Desert Rural Density Residential	R-E (Residence Estates)
South	Single-family residential	DR: Desert Rural Density Residential	R-PD2 (Residential Planned Development 2 du/acre)
East	Single-family residential	DR: Desert Rural Density Residential	R-E (Residence Estates)
West	Vacant dirt lot	DR: Desert Rural Density Residential	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Trails		X	NA
Rural Preservation Overlay District	X		N
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following Residence Estates (R-E) zone standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 square feet	20,583 square feet	Y
Min. Lot Width	100 feet	124 feet	Y
Min. Setbacks			
• Front	30 feet	20 feet	N
• Side	10 feet	7 ft., 15 ft.	N
• Corner	15 feet	15 feet	Y
• Rear	35 feet	30 feet	N
Patio Covers	15 feet from the rear and side property line	20 feet	Y
Patio Cover – Height	12 feet	10 feet	Y
Min. Distance Between Buildings	NA	NA	NA
Max. Lot Coverage	NA	NA	NA

Max. Building Height	2 stories, or 35 feet – the lessor of the two.	One Story	Y
Trash Enclosure	NA	NA	NA
Mech. Equipment	Screened	Screened	Y

ANALYSIS

The proposal is located on a site with a land use designation of DR (Desert Rural Residential), and an underlying zone designation of R-E (Residence Estates). The site plan proposes development of a 7,600 square foot one-story detached single-family house on a flat undeveloped half acre dirt lot surrounded by existing developed and undeveloped rural residential property. A 30 foot wide private access easement lies on the project parcel along the eastern property line (Charles Lam Court).

Per Title 19.08.040, R-E Zoned parcels require a 30 foot setback from the edge of a private easement and the project proposes to be setback 20 feet from the western edge. Furthermore, the structure will encroach 5 feet into the required rear yard setback and three feet into the required 10 foot side yard setback along the north property line. Per Title 19.08 Patio Cover provisions, the two rear yard patio covers are permitted to be within 15 feet of the rear property line and will be 20 feet from the property line. The proposal is considered too intense and inconsistent with the General Plan land use designation and incongruent with the focus of the Rural Preservation Overlay District.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the

relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by designing a single-family residence that will encroach into the required side, rear, and front yard setbacks. An alternative that reduces the square footage of the proposed house and observes all required Residence Estates (R-E) Zone setbacks would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 154 by City Clerk

APPROVALS 2

PROTESTS 0